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May 10, 1972

MEMORANDUM FOR THE VERIFICATION PANEL WORKING GROUP

SUBJECT: Presentation of the SALT Agreements to the Congress

Attached is the first draft of the subject paper, which was called for by Mr. Odeen's May 4 memorandum. This draft was prepared jointly by staff members of ACDA and the Department of State.

Comments on this draft should be circulated by COB Friday, May 12.

*Spurgeon M. Keeny, Jr.*  
Spurgeon M. Keeny, Jr.  
Assistant Director  
Science and Technology

Attachment:  
As stated.

Distribution:

NSC - Mr. Odeen  
Mr. Carter  
CIA - Mr. Duckett  
Mr. Allen  
OSD - Dr. Tucker  
Mr. Wood  
JCS - Col. Von Ins  
State - Mr. Spiers  
- Mr. Martin

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Presentation of the SALT Agreements  
to the Congress

Introduction

This paper responds to paragraph 3 of Mr. Odeen's memorandum of May 4 on "Further Work on SALT". To put the necessary actions in perspective Part I sets out a tentative schedule. This schedule anticipates final Congressional action approving the agreements by August 16-18, and is an optimistic forecast. If a decision is made to seek prompt Congressional approval, careful effort on the Hill by the Executive Branch will be required to assure favorable action in accordance with this schedule. As the paper notes, separate hearings by three Committees (SFR, SAS, HFA) are virtually certain, and additional hearings by the JCAE and the HAS Committee are possibilities. Delays are likely, and final Congressional action could be postponed until after the recess for the Republican Convention and Labor Day. On the other hand, Congress can act expeditiously, as the record of action on the LTB Treaty shows. The chronology of Congressional action on the LTB and the

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NPT is shown in Part V, which also contains a chronology of Congressional approval by Joint Resolution.

Based on the assumption set out in the Terms of Reference, Part II describes two alternative forms of Congressional action that might be requested. Part III describes the transmittal papers and related materials that would be used in submitting the agreement to the Congress.

I. Tentative Schedule

1. Final decision on action desired by Senate and House on each agreement.  
Congressional leadership notified. May 15-19
2. Briefings for Congress on final terms of the agreements. If possible, before signature.
  - (a) Leadership
  - (b) Committees that have received regular SALT briefings (SFR, SAS, JCAE, HFA) plus HAS
  - (c) Other key members

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3. Final texts prepared and certified.

May 22-25

(a) ABM Treaty

(b) Interim Agreement

(c) Other texts: E.g., agreed statements, declaration on interim SCC, etc.

4. Agreements signed in Moscow by \_\_\_\_\_  
Summit SALT Communique

May 29

5. Agreements sent to Congress.

June 5

Presidential message to each House  
with following enclosures:--

-- Texts of Agreements

-- Report of Secretary of State

to President accompanied by  
appropriate excerpts from the  
negotiating history and any

pertinent declarations or statements.

-- Other enclosures

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6. Hearings.

June 6-30

It is likely that the following Committees will hold hearings--SFR, SAS, HFA. In addition the JCAE may hold hearings and there is a possibility that the HAS Committee will also hold separate hearings.

7. Congress in recess for Democratic Convention. July 1-17

8. Favorable Committee Reports

July 20-25

(Unfavorable reports, dissenting views with substantial support, or recommendations for reservations or understandings could delay subsequent Congressional action.)

9. Action by Rules Committee to schedule House floor debate.

July 20-25

10. Floor Debate.

July 20-Aug. 15

Senate

House

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11. Final Vote, preceded by Conference if Aug. 16-18  
necessary to eliminate any differences  
between the actions of the two Houses.  
Senate  
House
12. Recess for Republican Convention. Aug. 19-Sept. 5  
House - Aug. 19-Sept. 5  
Senate- Aug. 19-Aug. 28
13. Ratification on agreed date. (Assuming  
signature in Moscow, ceremony bringing  
agreements into effect would under normal  
practice, be held in Washington.)

## II. Congressional Action on the SALT Agreements

The decision on the form of Congressional action on the SALT agreements requested by the President will govern the preparation of the presentation of the agreements to the Congress and should be made at an early date. This section describes two possible forms that final Congressional

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action might take. Both options involve action by both Houses on both the ABM Treaty and the Interim Offensive Agreement.

Option 1. (a) Submit both agreements to the Senate with a recommendation that the Senate give its advice and consent to ratification of the ABM Treaty and "acceptance" (cf. Art. VIII/VII of JDT) of the Interim Agreement. A Senate resolution giving consent requires an affirmative vote of 2/3 of the Senators present and voting.

(b) Submit both agreements to the House with an appropriate explanation of the House's interest and a recommendation that the House enact a resolution expressing a favorable view of the agreements. The Presidential message would explain that House approval is being sought as well as Senate advice and consent, before the agreements are brought into effect. (Comment: This House action would have no legal effect, but could have important political implications. A House resolution that included conditions, reservations, interpretations or understandings that were inconsistent with the Senate's action, would be troublesome.)

Option 2. (a) Submit ABM Treaty to Senate for advice

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and consent to ratification.

(b) If desired, seek a House resolution approving the ABM Treaty. (See Comment on Option 1(b).)

(c) Submit Interim Agreement to Senate and House for action by a joint resolution authorizing the President to bring it into effect. (Comment: The Senate might object to this treatment as inconsistent with its constitutional powers with respect to treaties. The provision that the Interim Agreement would not enter into force until the ABM Treaty was ratified gives the Senate a separate veto over entry into force over the Interim Agreement, and this fact might meet Senate objections to action by joint resolution.)

### III. Transmittal Papers and Related Materials

1. Presidential Messages. Separate letters from the President would be sent to the Senate and House explaining the purpose and background of the agreements and their relationship to the security and international interests of the U.S. The letters would recommend favorable action in a form appropriate for each house.

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2. Enclosures.

(a) Texts of the agreements

(b) Letter from the Secretary of State to the President

This letter would contain an article-by-article analysis of the text of the agreements and together with an appropriate explanation a recommendation that the agreements be sent to the Congress for action. The Secretary's letter would also forward appropriate excerpts from the negotiating history and pertinent declarations or statements, e.g., on further negotiations or establishing interim arrangements for a SCC. Such items would be sent along for the information of the Congress and not for action.

(c) Text of a proposed Joint Resolution for action on the Interim Agreement by the Senate and House or text of House Resolution

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expressing favorable view on one or both of the agreements. (See Section II.)

#### IV. Committee Hearings

1. Senate. Both agreements would be referred to the Committee on Foreign Relations, and it is unlikely that this Committee would issue its report and bring the agreements to the floor of the Senate until after all other Senate Committee hearings were completed and reports issued. The Foreign Relations Committee can invite other interested Committees to attend and actively participate in its hearings and has done so in the past. This now seems unlikely, and hearings by the Committee on Armed Services or possibly by its SALT Subcommittee (Sen. Jackson-Chm.) should be anticipated.

2. The JCAE has been regularly briefed on SALT and separate hearings by this Committee are a possibility.

3. House. In the House the Subcommittee on National

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Security Policy (Rep. Zablocki-Chm.) of the Committee on Foreign Affairs has been regularly briefed on SALT and a group of its members will be keenly interested in the Agreements. It seems likely that this Subcommittee would hold hearings even if no House action is requested. The Subcommittee will certainly want to hold hearings if House action is requested, although possibly the full Committee would act instead of the Subcommittee. The Committee on Armed Services has not been regularly briefed on SALT and has never indicated a serious interest in the subject. However, if House action on the agreements should be requested and the SAS Committee holds hearings, this Committee may hold its own hearings.

In summary, there is a possibility that five separate hearings would be held, but hearings by three or four Committees seem more likely. The same Executive Branch witnesses will be required to appear at all the hearings, and each Committee will probably invite several public witnesses to testify.

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V. Chronology of Congressional Action  
on Three Agreements

Limited Test Ban Treaty

Signed in Moscow - August 5, 1963

Transmitted to Senate - August 8, 1963

Hearings before SFRC (also attended by members of the Senate Committee on Armed Services and Senate members of the JCAE, both of which accepted the SFRC invitation to participate)

August 12 - Secretary of State  
August 13 - Secretary of Defense  
August 14 - Chairman, AEC  
August 15 - Chairman, JCS  
August 19 - Members, JCS  
August 20-27 - Other witnesses

SFRC Report - September 3, 1963

Separate executive sessions before Preparedness Investigating Subcommittee of Senate Armed Services Committee on Military Implications:

August 1, 2, 9, 12, 14, 15, 16, 19, 20, 23 and 27, 1963

Interim report on Military Implications of Treaty, by that Subcommittee - September 9, 1963

Floor Debate - September 9-24, 1963

Resolution of Advice and Consent adopted - September 24, 1963

Ratified - October 10, 1963

Non-Proliferation Treaty

Signed simultaneously in Washington, Moscow and  
London - July 1, 1968

Secretary's letter to President - July 2, 1968

President's Message to Senate - July 9, 1968

Hearings Before SFRC (also present, by invitation,  
were Senate members of the JCAE)

July 10 - Secretary of State

July 11 - Deputy Secretary of Defense  
Chairman, JCS

July 12 - Chairman, AEC

July 17 - Public witnesses

SFRC report (following invasion of Czechoslovakia) -  
September 26, 1968

(No floor action occurred in that Congress,  
so treaty was re-referred to SFRC at  
beginning of next Congress)

President Nixon's Message requesting advice and consent  
to ratification - February 5, 1969

SFRC Hearings - February 18, 1969 - Secretary of State  
Chairman, AEC  
Director, ACDA

February 20, 1969 - Secretary of Defense  
Chairman, JCS

SFRC Report - March 6, 1969

Hearings before Preparedness Subcommittee of Armed Services  
Committee on Military Implications

February 27, 1969 - Chairman, JCS  
Director, DDR&E

February 28, 1969 - Chairman, AEC  
Director, ACDA

(No report issued by this Subcommittee)

Floor Debate - March 11-13, 1969

Resolution of Advice and Consent adopted - March 13, 1969

Ratified - March 5, 1970 (Note: SFRC report had recommended that U.S. ratification be withheld until a substantial number of countries had joined the treaty.)

Joint Resolution Authorizing the President  
to bring into force the  
UN Headquarters Agreement

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- July 2 - President's Message to Congress
- July 3 - Joint Resolution introduced on Senate Floor and referred to Foreign Relations Committee
- July 14 - Reported, with an amendment, by SFRC (S.Rept 522)
- July 17 - Senate Floor debate, in which the amendment was agreed to, and the Res. passed as amended
- July 18 - Referred to House Committee on Foreign Affairs
- July 25 - Reported, with amendments (H.Rept 1093)
- July 26 - Rules suspended; passed House as amended  
Senate, in absence of objections, concurred in these amendments
- Aug. 4 - Approved by President

MEMORANDUM FOR: Mr. Jack Maury  
Legislative Counsel

Attached is a copy of ACDA's first draft for the Verification Panel of a scenario for presenting the SALT agreements to the Congress. They have asked for our comments by COB today.

I thought you would be interested in this phase of play on SALT. Other related papers are in the mill. If you have any comments or questions, please call me or George Allen [redacted], who is now handling the SALT account.

[redacted]  
BRUCE C. CLARKE, Jr.,  
Director  
Strategic Research

12 May 1972  
(DATE)

FORM NO. 101 REPLACES FORM 10-101  
1 AUG 54 WHICH MAY BE USED.

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